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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,765	10/19/2005	Hubert Elmer	5255-52PUS	7726
27799	7590	01/10/2007	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3677	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	01/10/2007		PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/553,765	ELMER, HUBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael J. Kyle	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10-17 and 19 is/are rejected.
- 7) Claim(s) 18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/19/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because lines 3-4 read "a clamping device for the glass leaf one of the axial end". There appears to be words missing from this phrase.
2. Claim 10 is objected to because lines 3-4 reads, "one of the axial end". It appears that "end" should be -- ends --. Additionally, lines 4-5 read "to one axial of the fitting body". It appears "axial" should be -- axial ends --.
3. Claim 10 is objected to because it recites "one of the axial end[s] of the fitting body...extending to one axial [end] of the fitting body" in lines 4-5. This is not clear. It appears separate axial ends should be claimed.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 89 10 569 (DE '569). With respect to claim 10, DE '569 shows a fitting comprising a fitting body (13) having at least a receptacle for a glass leaf (19) and a clamping device (left side of 13 in figure 6) for the glass leaf one of the axial end of the fitting body having an elongated pocket hole (20) extending to one axial end of the fitting body. A bearing pin (21) is placed in the pocket hole and secured in the elongated pocket hole so that the glass leaf is prevented from being removed from the

frame when the door is in a closed position. When the pin 22, is inserted, the glass cannot be removed from any position of the door.

6. With respect to claims 11 and 12, DE '569 discloses at least one holding screw (22) fastening the bearing pin (21) to the receptacle (19). The holding screw extends into the bearing pin (21) orthogonally to the elongated axis of the fitting body.

7. With respect to claims 13 and 14, DE '569 discloses the clamping device to have an elongated hole (24), and the bearing pin has a threaded bore hole (26) aligned with the elongated hole so that the holding screw (22) extends through the elongated hole and threadedly engages the threaded bore. The threaded bore hole is a pocket bore hole.

8. With respect to claim 15, DE '569 discloses the threaded bore penetrates through the bearing pin 21.

9. Claims 10, 11, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 29 24 319 U1 ("DE '319). DE '319 discloses a fitting comprising a fitting body (7, 8) having at least a receptacle for a glass leaf (10) and a clamping device (lining of 10) for the glass leaf one of the axial end of the fitting body having an elongated pocket hole (9, 11) extending to one axial end of the fitting body. A bearing pin (12) is placed in the pocket hole and secured in the elongated pocket hole so that the glass leaf is prevented from being removed from the frame when the door is in a closed position. When the pins are in is inserted, the glass cannot be removed from any position of the door.

10. With respect to claim 11, DE '319 discloses at least one holding screw (lower 22) in the receptacle (10).

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11. With respect to claim 16, DE '319 discloses a safety screw (upper 22) extending through the elongated hole (9) and spaced from the bearing pin.
12. With respect to claim 17, DE '319 discloses a safety screw (upper 22) extending through the elongated pocket hole (at 9)

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE '569 in view of DE 298 13 219 U1 ("DE '219). DE '569 does not show at least one cover plate covering an outer surface of the fitting body. DE '219 shows a fitting arrangement with a fitting body (20, 24) and a fastening screw (22), where the fitting body has a cover plate (28) covering a portion of the outer surface. This blocks access to the fastening screw and help prevent unauthorized removal of the glass. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify DE '569 such that it includes the cover of DE '219 to prevent unauthorized access to the holding screws and removal of the glass pane.

***Allowable Subject Matter***

15. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to fitting systems: Easton, Garrett, Mielke, Franze, Chiang, Zebedee, Bisbing, and JP '777.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mk

  
ROBERT J. SANDY  
PRIMARY EXAMINER